

MINUTES

COUNCIL
THURSDAY, 7 JULY 2011
2.00 PM



PRESENT

Councillor Michael Cook Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Robert Broughton
Councillor Terl Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor George Chivers
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Phil Dilks
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Michael King
Councillor Charmaine Morgan
Councillor David Nalson
Councillor Mrs. Linda Neal
Councillor Alan Parkin
Councillor Helen Powell
Councillor Nick Robins

Councillor Graddon Rowlands
Councillor Bob Russell
Councillor Bob Sampson
Councillor Susan Sandall
Councillor Bob Sandall
Councillor Ian Selby
Councillor Rob Shorrocks
Councillor John Smith
Councillor Jacky Smith
Councillor Mrs Judy Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Ian Stokes
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Paul Wood
Councillor Rosemary H Woolley
Councillor Raymond Wootten
Councillor Debbie Wren

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Tracey Blackwell)
Head of Legal and Democratic Services
(Lucy Youles)

OFFICERS

Head of Finance (Richard Wyles)
Principal Democracy Officer (Jo Toomey)

The Chairman welcomed Councillors Auger, Dilks and Stevens following their election to Deeping St. James Ward at a by-election held on 23 June 2011.

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bevan, Higgs, Jock Kerr, Vic Kerr, Nicholson, Scott and Wilkins.

17. DECLARATIONS OF INTEREST

Councillors Dilks, Stevens and Auger each declared a personal interest in agenda item 9, 'representatives on outside bodies' (Deeping St. James United Charities), as they were all trustees of the organisation.

18. MINUTES OF THE MEETING HELD ON 19 MAY 2011

Subject to the following amendments, the minutes of the meeting held on 19 May 2011 were agreed as a correct record:

- Pages 14 and 16 – the appointment to the Local Government Association (Rural Commission) should be amended from Councillor Wootten to Councillor Wren.
- Pages 14 and 16 – the appoint to the Thomas Truesdale Hospital should be amended from Councillor Bob Sandall to Councillor Sumner
- Pages 14 and 16 – while Councillor Bryant was appointed to the Safeguarding Children's Board, no seat was allocated for the Council
- Page 3, paragraph 2 should be amended to read that the position of Vice-Chairman "should not be seen as a politically based appointment."

19. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

A list of the Chairman's engagements was circulated with the agenda. Councillor Cook informed members that he regrettably had to send apologies for the Lincolnshire Army Cadet Force National Athletics Competition on 11 June 2011, as he was unable to attend. Members noted the list of engagements. There were no other communications.

20. STANDARDS COMMITTEE ANNUAL REPORT

Mr Chris Holtom, the independent Chairman of South Kesteven District Council's Standards Committee presented report number LDS027. He summarised the work undertaken by the Committee during 2010/11. 15 complaints were received, of those 10 were assessed for no further action and five were referred for investigation. A breach of the code was found in two cases and in two no breach was found. The hearing for the fifth case was pending.

The Standards Committee were there to promote fairness and transparency. Mr Holtom proceeded to explain that the Localism Bill proposed the abolition of the standards regime with the eradication of the Standards Board for England and the model code of conduct. Despite this, district councils would have a duty to promote and maintain high standards of conduct. The council could choose to adopt a voluntary code of conduct but would have no responsibility to deal with complaints about parish and town councils.

At the meeting of the Standards Committee held on 1 July 2011, the group had set up a working group, which, with the Council's blessing proposed to consider possible arrangements for the future and present them to the Engagement Policy Development Group for their consideration and recommendation to Cabinet and Council.

Mr Holtom commended all members of the committee, including Mr Fred Mann (also present), the committee's independent vice-chairman. He complimented the Committee on its approach, considering issues in a practical, non-partisan way. The Chairman of the Standards Committee also thanked officers for their support.

Members of the Council thanked the Chairman for his report and the Committee for their work. They also expressed their gratitude to the officers who supported the Committee.

Those members who had sat on the committee commended its operation. Members asked whether the Council could adopt the Model Code of Conduct as a voluntary code and continue operating as it had, as the system seemed to work so effectively. It was confirmed that this was one option that could be considered. It was also suggested that if possible the district council should look to provide continuing support for parish and town councils. Debate also highlighted the potential reputational risks of having no standards framework and that it would be a criminal offence to intentionally fail to disclose an interest.

A motion was proposed under Council Procedure Rule 13(iv) and seconded:

"To refer the Localism Bill to the Engagement Committee for further discussion and explanation to develop a stakeholders conference to gain public input into what localism means in the district."

The proposer expressed concern that lots of different people were looking at bits of the Bill and suggested that it should receive consideration as a whole. He suggested the Engagement Policy Development Group (PDG) put together a stakeholder conference open to councillors and other stakeholders in the community, so they could review the contents of the Bill and how they think it could work around the district.

The Chairman of the Engagement Policy Development Group stated that the review of standards arrangements and the Localism Bill formed a significant

part of the group's work programme. In light of this information one member requested whether the mover, in accordance with Council Procedure Rule 13(vii) would withdraw the motion; he would not. During debate, it was suggested the motion was too prescriptive and pre-empted any work the PDG might do and had not considered budgetary provision.

In summing up, the proposer welcomed that the PDG was going to look at the Bill and expressed the importance of engaging with the public. He suggested that any consultation could fit within existing consultation mechanisms, requiring no additional budgetary provision. On being put to the vote, the motion was lost.

21. AMENDMENTS TO THE CONSTITUTION

Decision:

The Council approves the recommendations made by the Constitution Committee at its meeting on 13 June 2011 as follows:

The Constitution be amended

- 1.1 At page 129 – part 4 – rule 13 (xvi) is amended to refer to rules 21.4 and 21.5. instead of rules 21.3 and 21.4.***
- 1.2 At page 140 - Rule 24.5 (i), (ii), (iii) and (iv) is amended to refer to paragraph (i) and (ii)***
- 1.3 At page 178 – clause 7 is amended to refer to Council Procedure Rule 1.1(viii) and Council Procedure Rule 1.1(xiii) is re-numbered (xi)***
- 1.4 To grant delegated authority to the Head of Legal and Democratic Services to make corrections to the constitution in respect of minor anomalies and inaccuracies and to report.***
- 1.5 To ensure the Members Allowance Scheme within the Constitution be updated to reflect the change in the mileage rate allowance for 2011/12 to 45p per business mile in line with Her Majesty's Revenue and Customs (HMRC) tax threshold rate from 9th May 2011 being the start of the current term of office.***

The Council had before them report number LDS028 of the Chairman of the Constitution Committee. The chairman of the Constitution Committee moved the recommendations in the report; these were seconded. Noting that one of the items was the increase in the business mileage allowance from 40p a mile to 45p a mile in line with Inland Revenue limits, one Member asked whether the wording could be sufficiently neutral to allow officers to alter the rate in line with the Inland Revenue limits. This was in

progress. On being put to the vote, the proposal was carried.

22. ALLOCATION OF SEATS ON COMMITTEES AND POLICY DEVELOPMENT GROUPS

Decision:

To make the following amendments to the membership of committees and policy development groups in accordance with the legislative provisions regarding political balance:

- ***That Councillor Stevens replace Councillor Adams on the Development Control Committee***
- ***That Councillors Susan Sandall replace Councillor Higgs and that Councillor Vic Kerr fill the seat offered to the Independents by the Labour group on the Licensing Committee***
- ***That Councillor Bisnauthsing replace Councillor Shorrock on the Engagement Policy Development Group***
- ***That Councillor Auger replace Councillor Sumner on the Engagement Policy Development Group***
- ***That Councillor Auger replace Councillor Parkin on the Constitution Committee***
- ***That Councillor Davidson is the Labour Group's appointment on the Scrutiny Committee***
- ***That Councillor Dilks is the Labour Group's appointment on the Resources Policy Development Group***

The Head of Legal and Democratic Services summarised report number LDS029 on appointments to committees and policy development groups. She advised the Council that the Deeping St. James by-election on 23 June 2011 had added one new member for each group. Notice had also been given that Councillor Bisnauthsing had aligned with the Independent Group. These changes affected the political balance on the Council's committees and policy development groups.

- Development Control Committee – Conservatives lose one seat to the Independent Group
- Licensing Committee – Conservatives lose one seat to the Independent Group
- Policy Development Groups – Labour lose one seat to the Independent Group [based on political balance on the combined number of PDG seats]

The Leader of the Conservative group moved the removal of Councillor Higgs from Licensing Committee and Councillor Adams from Development Control Committee. She reported that Councillor Sumner would step-down from the Engagement PDG; Councillor Auger would fill this vacancy, and that Councillor Parkin would step-down from the Constitution Committee; this seat would also be filled by Councillor Auger.

The Labour Group Leader announced changes to the Labour group's nominations: that Councillor Shorrocks should stand down from the Engagement PDG in order to maintain political balance, Councillor Davidson would be the group's representative on the Scrutiny Committee and that Councillor Dilks would take the group's place on the Resources PDG. Councillor Selby formally offered the Labour group's seat on the Licensing Committee to the Independent Group.

The Leader of the Independents nominated Councillor Stevens to the Development Committee and Councillors Vic Kerr and Susan Sandall to the Licensing Committee. The Chairman agreed to a brief adjournment to allow the group to agree its nomination to the Engagement PDG.

14:48-14:55 meeting adjourned

Councillor Howard announced the group's additional nomination to the Engagement PDG would be Councillor Bisnauthsing.

The nominations were put to the vote and carried.

23. REPRESENTATIVES ON OUTSIDE BODIES

Decision:

- 1. To appoint Councillor Judy Stevens as the Council's representative on Deeping St James United Charities***
- 2. To appoint Councillors Ray Auger and Reg Howard as the Council's representatives on the Deepings Town Centre Partnership***
- 3. To appoint Councillors Ray Auger, Jacky Smith, Paul Cosham and Reg Howard to the Welland and Deeping Internal Drainage Board***

Report number LDS030 on the appointment of representatives on outside bodies by the Head of Legal and Democratic Services was before the Council. At its last meeting on 19 May 2011, the Council agreed to defer appointments to Deeping St James United Charities, Deepings Town Centre Partnership and the Welland and Deeping Internal Drainage Board, pending the outcome of the Deeping St. James by-election on 23 June 2011.

Deeping St. James United Charities

Mrs Carol Precey was proposed and seconded as the Council's representative for Deeping St. James United Charities. The Council's Constitution specified in Council Procedure Rule 1.2(iv) that the Council would "receive nominations of Councillors to serve on each committee or Policy Development Group and outside bodies", however it was noted that Mrs Precey had served as the Council's representative in the past. The chairman agreed to defer voting on this item for officers to research the

Council's position.

Deepings Town Centre Partnership

Councillors Auger and Howard were proposed and seconded as representatives for the Deeping Town Centre Partnership. On being put to the vote, this was carried.

Welland and Deeping Internal Drainage Board

Six nominations were received to fill four seats on the Welland and Deeping Internal Drainage Board: Councillors Jacky Smith, Auger, Cosham, Howard, Dilks and Broughton. All nominations received a seconder.

It was proposed and seconded that Council Procedure Rule 13 (xiv) be suspended for voting on this nomination only. This would mean using an alternative to the electronic voting system. This was put to the vote and carried.

A proposal was made that all nominees should provide the Council with a 30-second summary detailing the skills that made them suitable for the role, particularly as there were a large number of new members. This was seconded. On being put to the vote, this was lost.

One Member suggested that all nominees should stand up so that all Councillors could see who they were before they voted. It was further proposed:

"that when members are elected to a PDG and/or outside bodies, the member stands and is identified, particularly at the beginning of a term and that this is added to the Constitution." The proposal was seconded.

A further amendment was made with reference to the district council's appointment of representatives to outside bodies:

"That:

1. The Constitution Committee should look at the process of selection
2. Councillors maintain a public record of attendance
3. Where councillors attend meetings that they produce a report which is then submitted to the relevant PDG for consideration/agree appropriate action if required."

This amendment was seconded.

Under Council Procedure Rule 14.10(iv) it was proposed and seconded "that the question be now put". In accordance with council procedure rule 14.11(iii) the Chairman prepared to move to a vote on this motion.

Councillor Broughton stated he would withdraw from the running to avoid

the politicisation of the appointments. Councillor Dilks also withdrew. This left the appropriate number of nominees to fill all the vacancies on the body and a vote was taken (by hand) to confirm their appointment. Councillors Auger, Jacky Smith, Cosham and Howard were appointed by a majority vote.

NOTE: The Chairman of the Constitution Committee agreed to consider the proposed amendments at a future meeting of the Constitution Committee.

15:37-15:53 *The meeting adjourned*

Deeping St. James United Charities

Officers had clarified that at its meeting on 6 September 2007, the Council agreed that "the Council allows only appointments of existing councillors" to outside bodies. The nomination for Mrs Precey was withdrawn and Councillor Judy Stevens was proposed and seconded as the Council's representative on Deeping St. James United Charities. This was put to the vote and carried.

24. QUESTIONS WITHOUT DISCUSSION

Three questions had been received and referred to the relevant policy development group for a response.

Question 1

To: Cllr Linda Neal, Leader of the Council

From: Councillor Ian Selby

The New Homes Bonus for 2011/12 from the government is anticipated to be £665,000 and this money is not ring-fenced, so therefore this council can allocate the money as it feels would be most appropriate.

Many of our community organisations for example such as; South Lincs Mind, CAB, Community Care for the Elderly and many others have struggled immensely due to the current financial climate and the lack of grants that have been available to them.

I understand that the Resources PDG will be discussing this issue and in my view local community organisations should be offered the opportunity to apply to our council for a grant to assist them during these difficult times. We should not stand by and watch some of these organisations terminate their invaluable activities.

Would the leader of the council be willing to support in principle my suggestion of using some of the funds from the New Homes Bonus to support some of our community organisations who at this moment in time are in urgent need of financial assistance? If this is not possible through the

New Homes Bonus then will the Leader of the Council consider looking at other avenues of support for our community organisations?

Referred to the Resources PDG

Question 2

To: Cllr Linda Neal, Leader of the Council

From: Councillor Rob Shorrock

What are the full costs for the delivery of member training, including organisation, officer time, travel and then member time and travel, and has there been an evaluation of the cost benefits of this approach as against the delivery of core member training through an e-learning model?

Referred to the Engagement PDG

Question 3

To: Cllr Linda Neal

From: Councillor Charmaine Morgan

Is SKDC aware of any projects to be funded through either the European Development Fund or European Social Fund requiring match funding, which are now at risk due to the inability to provide matched funds as a result of cuts?

Referred to the Communities PDG

25. CLOSE OF MEETING

The meeting was closed at 15:57.